

curative care. Still other VAMC's only provide some hospice services such as caregiver counseling and pain management.

Unfortunately, many VAMC's hospice efforts offer only an assessment of a terminally ill veteran's needs and referral to a non-VA hospice. While such referrals may benefit some veterans, they are of little value to the many veterans who are not entitled to Medicare or Medicaid or lack health insurance coverage for hospice care. Because VA has no authority under current law to contract with non-VA hospices, these veterans are left with the difficult choice of foregoing hospice care or using their own resources to pay for that care.

Although I am convinced that VA should provide hospice care, I am not certain as to the best way for the Department to provide such care. Some assert that the only bona fide form of hospice care is through a program in which palliative care—noncurative care focusing on alleviating pain and other symptoms—and support services to meet the psychological, social, and spiritual needs of patients and their families are available in both home and inpatient settings. Others believe that equally effective care can be furnished by integrating hospice concepts into customary care. Similarly, there is considerable disagreement as to whether veterans who wish to receive hospice care are best served by VA hospice programs or through contracts with non-VA providers.

Because I am satisfied that VA, to this point, has not carried out sufficient research to determine with any degree of certainty the most appropriate way in which to furnish hospice care, I have proposed legislation that would require VA to study the ways in which hospice care can successfully be furnished to veterans. That is what the provision in the compromise agreement calls for, and I look forward to VA's efforts to carry out this research and to the results of that study.

Given the growing numbers of VA patients who are elderly or have fatal diseases who could benefit from hospice care, demand for VA hospice care is likely to increase. Research related to the provision of hospice care is critical not only to VA health care professionals, many of whose patients cannot rely on friends and family to provide all of the care they require, but also to other health care providers who will soon have to accommodate a great increase in the number of aging patients comparable to that which VA is presently providing care.

#### MAMMOGRAPHY QUALITY STANDARDS

Madam President, I am delighted that the compromise agreement includes a provision, section 321, which seeks to ensure that women veterans are guaranteed that they will receive safe and accurate mammograms from or through VA. This provision is derived from legislation, S. 548, which I introduced last year.

At present, under the Mammography Quality Standards Act of 1992, Public Law 102-539, all health care facilities—hospitals, outpatient departments, clinics, physicians' offices, or mobile units—are required to be certified by the Secretary of Health and Human Services as meeting specified standards for mammography in equipment, personnel, and quality assurance. That law, however, does not apply to VA facilities that operate their own mammography equipment.

It is my strong opinion that women veterans who use VA facilities should have the same assurances as other women that their mammography tests will be performed properly and yield reliable information. The Secretary of Veterans Affairs agrees. In a letter to me, dated July 12, 1993, Secretary Jesse Brown wrote, "It is my intent that VA will comply with standards equal to those set forth in the Mammography Quality Standards of 1992 for all mammography done within VA facilities and require that all contracts and sharing agreements for mammography include a provision for compliance."

More recently, at the committee's October 25, 1995, hearing, Dr. Kenneth Kizer, VA's Under Secretary for Health, updated Secretary Brown's commitment, noting that "VA policy now requires compliance with the requirements of the 1992 Mammography Quality Standards Act. Moreover, all VA facilities furnishing mammography services are currently using the FDA's guidelines."

Section 321 of the compromise agreement would ensure that the goal of giving women veterans safe and accurate mammograms continues to be met by requiring the Secretary to promulgate quality assurance and quality control regulations for VA facilities that furnish mammography that are no less stringent than the Department of Health and Human Services regulations to which other mammography providers are subject under the Mammography Quality Standards Act of 1992. VA facilities that contract with non-VA facilities would be required to contract only with facilities that comply with that act.

#### OUTSIDE EMPLOYMENT

Madam President, I am pleased that the compromise agreement includes a provision, section 347, relating to the limitation in current law on certain VA health care personnel's ability to work outside of VA—the so-called "moonlighting" bar. Under current law, full-time VA professionals in seven professions—physicians, dentists, podiatrists, optometrists, nurses, physician assistants, and expanded-function dental auxiliaries—are not permitted to work in their professions during their non-duty times at VA.

This provision was reported by our committee in S. 1359 after it was amended in committee in response to a concern of mine. As originally introduced in S. 1752, VA-proposed legislation, the legislation lifted the bar to

outside work for only three of the seven professions listed in current law. In response to my concerns, the provisions removed the existing limitation as to all seven of the title 38 professions, including physicians, and not just to a portion of that population.

#### CONCLUSION

Madam President, in closing, I acknowledge the work of my colleagues in the House, Chairman BOB STUMP and the ranking minority member, SONNY MONTGOMERY, and our committee's chairman, Senator SIMPSON, in developing the comprehensive legislation.

Madam President, I thank the staff who have worked extremely long and hard on this compromise—Ralph Ibsen, Lori Fertal, Pat Ryan, JoAnn Webb, Sloan Rappoport, and others on the House Committee, and Bill Brew, Jim Gottlieb, Bill Tuerk, Chris Yoder, and Tom Harvey with the Senate committee. I also thank Bob Cover and Charlie Armstrong of the House and Senate Offices of Legislative Counsel for their excellent assistance and support in drafting the compromise agreement.

Mr. NICKLES. Madam President, I ask unanimous consent that the amendment be agreed to, the bill be deemed read a third time and passed, the amendment to the title be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5414) was agreed to.

The bill (H.R. 3118), as amended, was deemed read a third time and passed.

The title was amended so as to read: "An act to amend title 38, United States Code, to reform eligibility for health care provided by the Department of Veterans Affairs, to authorize major medical facility construction projects for the Department, to improve administration of health care by the Department, and for other purposes."

#### HONG KONG ECONOMIC AND TRADE OFFICES LEGISLATION

Mr. NICKLES. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 628, Senate bill 2130.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2130) to expand privileges, exemption, and immunities to Hong Kong Economic and Trade Office.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Madam President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2130) was deemed read a third time, and passed, as follows:

S. 2130

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXTENSION OF CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES TO HONG KONG ECONOMIC AND TRADE OFFICES.**

(a) APPLICATION OF INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT.—The provisions of the International Organizations Immunities Act may be extended to the Hong Kong Economic and Trade Offices in the same manner, to the same extent, and subject to the same conditions, as such provisions may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.

(b) APPLICATION OF INTERNATIONAL AGREEMENT ON CERTAIN STATE AND LOCAL TAXATION.—The President is authorized to apply the provisions of Article I of the Agreement on State and Local Taxation of Foreign Employees of Public International Organizations, done at Washington on April 21, 1994, to the Hong Kong Economic and Trade Offices.

(c) DEFINITION.—The term "Hong Kong Economic and Trade Offices" refers to Hong Kong's official economic and trade missions in the United States.

## EXECUTIVE SESSION

### TREATIES

Mr. NICKLES. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following treaties on today's Executive Calendar:

Executive Calendar Nos. 35 through 38.

I further ask unanimous consent that the treaties be considered as having passed through their various parliamentary stages up to and including the presentation of the resolutions of ratification; that all committee provisions, reservations, understandings, et cetera, be considered agreed to; that any statements in regard to these treaties be inserted in the Congressional RECORD as if read; and that the Senate take one vote on the resolutions of ratification to be considered as separate votes; further, that when the resolutions of ratification are voted on the motion to reconsider be laid upon the table; the President then be notified of the Senate's action; and that, following disposition of the treaties, the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The treaties will be considered to have passed through their various par-

liamentary stages up to and including the presentation of resolutions of ratification.

The resolutions of ratification are as follows:

**INCOME TAX CONVENTION WITH KAZAKSTAN  
EXCHANGE OF NOTES RELATING TO THE TAX  
CONVENTION WITH KAZAKSTAN**

*Resolved, (two-thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Convention Between the Government of the United States of America and the Government of the Republic of Kazakhstan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, Together with the Protocol, signed at Almaty on October 24, 1993, and Two Related Exchanges of Notes, dated August 1 and September 7, 1994, and dated August 15 and September 7, 1994 (Treaty Doc. 103-33); an Exchange of Notes dated at Washington July 10, 1995, Relating to the Convention Between the Government of the United States of America and the Government of the Republic of Kazakhstan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, Together with a Related Protocol, signed at Almaty on October 24, 1993 (Treaty Doc. 104-15); and an Exchange of Notes, dated June 16 and 23, 1995 (EC-1431). The Senate's advice and consent is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

The United States shall not exchange the instruments of ratification with the Government of the Republic of Kazakhstan until such time as the Government of the Republic of Kazakhstan has notified the Government of the United States that its laws no longer permit anonymous bank accounts to be established.

**TAXATION PROTOCOL AMENDING CONVENTION  
WITH INDONESIA**

*Resolved, (two-thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Protocol, signed at Jakarta on July 24, 1996, Amending the Convention Between the Government of the United States of America and the Government of the Republic of Indonesia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, with a Related Protocol and Exchange of Notes signed at Jakarta on July 11, 1988 (Treaty Doc. 104-32).

**PROTOCOL AMENDING ARTICLE VII OF THE 1948  
TAX CONVENTION WITH RESPECT TO THE NETHERLANDS ANTILLES**

*Resolved, (two-thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Protocol Between the Government of the United States of America and the Government of the Kingdom of the Netherlands in Respect of the Netherlands Antilles Amending Article VIII of the 1948 Convention with Respect to Taxes on Income and Certain Other Taxes as Applicable to the Netherlands Antilles, signed at Washington on October 10, 1995 (Treaty Doc. 104-23).

Mr. NICKLES. I ask for a division vote on the resolutions of ratification.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the resolutions of ratification will please stand and be counted. (After a pause.) Those opposed will please stand and be counted.

On a division, two-thirds of the Senators present having voted in the af-

firmative, the resolutions of ratification are agreed to.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

Mr. NICKLES. Madam President, I thank you. I thank my colleague from Kentucky for his assistance on passing these items.

## THE PARKS LEGISLATION

Mr. NICKLES. Madam President, one thing I would urge my colleagues—and particularly leadership on the Democrat side in the Senate—would be for us to work together to pass the parks bill. Time is growing very, very short. I know that some of our colleagues—we have a lot of colleagues who are retiring this year—have bills that they would like to get passed. And a lot of these bills are very, very important.

I have had the pleasure of working with Senator BUMPERS and Senator PRYOR on one bill, the Arkansas and Oklahoma land exchange. Senator PRYOR is going to be retiring. I would like to pass that bill before he retires.

Senator BRADLEY has worked very, very hard on Sterling Forest, as well as Senator MOYNIHAN, and others; Senator D'AMATO. Sterling Forest—we need to pass these bills. The Presidio is maybe the best known of any of these parks, a beautiful area in San Francisco. A lot of work has gone into the Presidio legislation. I know the Senators from California and others are committed to it. The Senator from California would like to have passed the Presidio legislation, and I really want to do that.

Senator HEFLIN has a couple of bills, and other colleagues who will be leaving. Many of these bills—I guess I will still be around, and some of us will be here next year. Maybe we can take care of them at that time. But a lot of our colleagues will be leaving.

I see Senator NUNN has a couple of provisions.

Most of these are not controversial. I really hope that we can get a comprehensive package before the Senate and pass it. We need to pass it today while the House is still in session.

So I would just urge our colleagues. I know the Senator from Alaska, Senator MURKOWSKI, has worked a long time on a long list of projects. I hope that we can get these through.

So I just ask for bipartisan cooperation. This is not a partisan bill. It is a bill that those of us on the Energy Committee have worked on all year.

Maybe it is not a very good way to legislate when you end up having a bill like this come toward the end of the session. But there have been holds on this bill for months.

Anyway, I just urge my colleagues on both sides of the aisle to be cooperative to see if we can't pass the Presidio bill and the land exchanges. There are a lot of positive things. I saw, I think, over